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10/727,134	12/02/2003	Arthur H. Ozaki	40000-0046	4744
20480 7590 06/11/2008 STEVEN L. NICHOLS RADER, FISHMAN & GRAUER PLLC 10653 S. RIVER FRONT PARKWAY SUITE 150 SOUTH JORDAN, UT 84095				
EXAMINER				
ZHONG, JUN FFI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,134

Applicant(s)

OZAKI ET AL.

Examiner

JUN FEI ZHONG

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-26, 29-33, 36-49, 52-60 and 65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-26, 29-33, 36-49, 52-60, 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 2/28/2008. Claims 1-5, 8-26, 29-33, 36-49, 52-60, 65 are pending. Claims 1, 18, 32-33, 48-49, 60 are amended. Claims 6-7, 27-28, 34-35, 50-51, 61-64 are cancelled. Claim 65 is newly added.

Response to Arguments

2. Applicant's arguments with respect to claims 1-5, 8-26, 29-33, 36-49, 52-60 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection has been used to address additional limitations that have been added to claims 1, 18, 32, 48, 60, a response is considered necessary for several of applicant's arguments since Humpleman, Kamieniecki and Kearns references will continue to be used to meet several claimed limitations.

Applicant argues respect to claim 28 that Humpleman, Kamieniecki and Kearns do not teach second audiovisual device automatically saves setting from another audiovisual device upon said shutdown.

However, the examiner respectfully disagrees. Reading the claims in the broadest sense, Kamieniecki discloses save settings from other devices in memory 245 which is recited in set top box 100 (see paragraph 0027, 0041, 0051). Official Notice is taken that a device automatically saves setting upon shutdown which is well known in the art. An example is given: turn on a television, displaying the channel when last time turn off. Which also apply to a set top box, for example, turn on the set top box, and

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tune to a channel last time turn off. Also supposed by Kamieniecki because all the settings stores in memory 245 including setting for itself and other devices are kept intact irrespective regardless of power. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automatically saves setting upon shutdown to the home network control system of Humpleman in order to provide a convenient system for user to watch television without set up again the device when turn on.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 65 recites the limitation "said same control button". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 32-33, 36, 39-42, 44-49, 52, 55-58 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (Patent # US 6288716) in view of Kamieniecki (Pub # US 2003/0066080).

As to claim 32, Humpleman discloses a method for retaining settings of an audiovisual system, comprising:

obtaining a setting from a first audiovisual device (e.g., controllable functions of DVCR 110; Fig. 1), wherein said first audiovisual device (e.g., DVCR 110) is communicatively coupled to a second audiovisual device (e.g., DTV 102) (see col. 6, line 61 through col. 7, line 20; col. 14, lines 42-62);

storing said setting to said second audiovisual device upon a save event (e.g., saving a Macro to perform all the steps for recording a program) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9).

Humpleman does not specifically disclose save event comprises actuating a control button for a predetermined amount of time.

Kamieniecki discloses wherein said save event comprises actuating a control button for a predetermined amount of time (e.g., press a key on remote for predetermined time period to send commands) (see paragraph 003 and 0063-0065)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have actuating a control button for a predetermined amount of time as taught by Kamieniecki to the home network control system of Humpleman in order to have a single arrangement that can set-up a variety of electronic devices from different manufacturers without having to know how to program the device (see paragraph 0015).

As to claim 48, it contains the limitations of claim 32 and is analyzed as previously discussed with respect to claim 32 above.

As to claim 33, Humpleman discloses save event (e.g., saving a Macro to perform all the steps for recording a program) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9);

Kamieniecki discloses an actuation of said control button on said remote control device (e.g., press a key on remote to send commands) (see paragraph 0063-0065).

As to claims 36, 42, 52 and 58, Humpleman discloses a saved channel of audiovisual programming (e.g., saving a Macro to perform all the steps for recording a program which includes saving channel 2 for recording) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9)

Kamieniecki discloses receiving a signal representative of said save event from a remote control device (e.g., a IR signal representing command sent from remote control), wherein said remote control device is configured to communicate to said second audiovisual device (see paragraph 0041, 0058).

As to claims 39 and 55, Kamieniecki discloses recalling said setting from said second audiovisual device upon a restore event; and restoring said recalled setting to said first audiovisual device upon said restore event (e.g., retrieved setting from

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memory upon restoration command; Fig. 4, steps 490-492) (see paragraph 0041, 0058).

As to claim 40, Kamieniecki discloses wherein said restore event includes an actuation of a control on same said remote control device (e.g., press a key on remote to send commands) (see paragraph 0063-0065).

As to claim 41, Humpleman discloses a saved channel of audiovisual programming (e.g., saving a Macro to perform all the steps for recording a program which includes saving channel 2 for recording) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9).

Kamieniecki discloses restore event upon an actuation (e.g., press a key on remote to send commands) (see paragraph 0063-0065).

As to claim 44, Humpleman discloses wherein said second audiovisual device is a television set (e.g., DTV 102; Fig. 1) (see col. 6, lines 54-60).

As to claim 45, Kamieniecki discloses the second audiovisual device is a set-top box (see paragraph 0035; Fig. 3).

As to claim 46, Humpleman discloses wherein said first audiovisual device is one of a digital video recorder and a digital video player (e.g., DVCR 110; Fig. 1) (see col. 6, lines 54-60).

As to claim 47, Humpleman discloses wherein said first audiovisual device and said second audiovisual device are communicatively coupled by an IEEE 1394 pathway (e.g., 1394 serial bus 114) (see col. 6, lines 42-47).

As to claim 49, it contains the limitations of claim 33 and is analyzed as previously discussed with respect to claim 33 above.

As to claims 56-57, they contain the limitations of claims 40-41 and are analyzed as previously discussed with respect to claims 40-41 above.

As to claim 65, Kamieniecki discloses the method of claim 32, further comprising restoring said setting to said first audiovisual device upon a subsequent actuation of said same control button (e.g., push sequences) (see paragraph 0006, 0013).

7. Claims 1-5, 8-26, 29-31, 37-38, 43, 53-54, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (Patent # US 6288716) in view of Kamieniecki (Pub # US 2003/0066080), and further in view of Kearns (Patent # US 6072535).

As to claim 1, Humpleman discloses a system for saving settings of an audiovisual system, comprising:

a first audiovisual device (e.g., DVCR 110; Fig. 1) comprising a setting (e.g., controllable functions of DVCR 110) (see col. 6, lines 54-60; col. 8, lines 29-42; col. 10, lines 29-31; Fig. 13);

a second audiovisual device (e.g., DTV 102) communicatively coupled to said first audiovisual device (e.g., DVCR 110) (e.g., DTV 102 communicating with DVCR 110 through 1394 serial bus 114; Fig. 1);

wherein said second audiovisual device is configured to retrieve said setting from said first audiovisual device and save said setting of said first audiovisual device upon a save event (e.g., saving a Macro to perform all the steps for recording a program) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9).

Humpleman does not disclose shutdown first and second devices.

Kearns discloses shutdown a device (e.g., using remote control button 26 to turn off TV) (see col. 4, lines 35-40; Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to a remote control as taught by Kearns to the home network control system of Humpleman in order to provide menu support of channel lists and television settings such as television control options, sidebox edit options, user created channel list options, and password related security options (see col. 2, lines 22-25).

Both Humpleman and Kearns fail to disclose saves setting upon shutdown.

Kamieniecki discloses wherein said second audiovisual device automatically saves said setting upon said shutdown (e.g., save settings from other devices in memory 245 when shutdown; i.e., settings stores in memory 245 including setting for itself and other devices are kept intact irrespective regardless of power) (see paragraph 0027, 0036, 0041, 0051).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to save other device's setting as taught by Kamieniecki to the home network control system of Humpleman as modified by Kearns in order to have a single arrangement that can set-up a variety of electronic devices from different manufacturers without having to know how to program the device (see paragraph 0015).

As to claim 18, Humpleman discloses an audiovisual host device, comprising:
an interface for communicatively coupling to an audiovisual device (e.g., devices in Fig. 1 communicating with other devices through communication layers 152-164; Fig. 2), wherein said audiovisual device includes a setting (e.g., controllable functions) (see col. 6, lines 54-60; col. 8, lines 29-42; col. 10, lines 29-31; Fig. 13);

a computer-readable medium (e.g., memory) (see col. 21, lines 30-35);
receive said setting from said interface upon a save event (e.g., saving a Macro to perform all the steps for recording a program) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9);

store said setting to said computer-readable medium upon said save event (e.g., save Macro in memory);

Humpleman does not disclose shutdown first and second devices.

Kearns discloses shutdown a device (e.g., using remote control button 26 to turn off TV) (see col. 4, lines 35-40; Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to a remote control as taught by Kearns to the home network control system of Humpleman in order to provide menu support of channel lists and television settings such as television control options, sidebox edit options, user created channel list options, and password related security options (see col. 2, lines 22-25).

Both Humpleman and Kearns fail to disclose saves setting upon shutdown.

Kamieniecki discloses a processor (e.g., controller 220) communicatively coupled to said interface (e.g., communicating with network 130; Fig. 1 and 2) and said computer-readable medium (e.g., memory 245) (see paragraph 0034, 0041);

wherein said processor is configured to:

recall said setting from said computer-readable medium upon a restore event (e.g., retrieved setting from memory; Fig. 4, step 492) (see paragraph 0058);

communicate said recalled setting to said interface upon said restore event, wherein said recalled setting is configured to be restored to said audiovisual device (e.g., user select restoration option; Fig. 4, steps 490-498) (see paragraph 0058).

wherein said second audiovisual device automatically saves said setting upon said shutdown (e.g., save settings from other devices in memory 245 when shutdown; i.e., settings stores in memory 245 including setting for itself and other devices are kept intact irrespective regardless of power) (see paragraph 0027, 0036, 0041, 0051).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to a processor as taught by Kamieniecki to the home network control system of Humpleman as modified by Kearns in order to have a single arrangement that can set-up a variety of electronic devices from different manufacturers without having to know how to program the device (see paragraph 0015).

As to claim 60, it contains the limitations of claim 1 and is analyzed as previously discussed with respect to claim 1 above.

As to claim 2, Kamieniecki discloses a remote control device (e.g., remote control 110; Fig. 1) configured to communicate said save event to said second audiovisual device (e.g., set-up device) (see paragraph 0025).

As to claim 3, Humpleman discloses save event (e.g., saving a Macro to perform all the steps for recording a program) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9);

Kamieniecki discloses an actuation of a control on said remote control device (e.g., press a key on remote to send commands) (see paragraph 0063-0065).

As to claim 4, Kamieniecki discloses wherein said actuation includes actuating a button for a predetermined amount of time (e.g., press a key on remote for predetermined time period to send commands) (see paragraph 003 and 0063-0065).

As to claim 5, Humpleman discloses a selected channel of audiovisual programming is saved upon said actuation (e.g., saving a Macro to perform all the steps for recording a program which includes saving channel 2 for recording) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9).

As to claim 8, Kamieniecki discloses wherein said second audiovisual device is configured to restore said setting of said first audiovisual device upon a restore event (e.g., retrieved setting from memory upon restoration command; Fig. 4, steps 490-492) (see paragraph 0041, 0058).

As to claim 9, Kamieniecki discloses a remote control device (e.g., remote control 110; Fig. 1) configured to communicate said restore event to said second audiovisual device (e.g., retrieved setting from memory upon restoration command; Fig. 4, steps 490-492) (see paragraph 0041, 0058).

As to claim 10, Kamieniecki discloses wherein said restore event includes an actuation of a control on same said remote control device (e.g., press a key on remote to send commands) (see paragraph 0063-0065).

As to claim 11, Humpleman discloses a saved channel of audiovisual programming (e.g., saving a Macro to perform all the steps for recording a program which includes saving channel 2 for recording) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9).

Kamieniecki discloses restore event upon an actuation (e.g., press a key on remote to send commands) (see paragraph 0063-0065)

As to claim 12, Kamieniecki discloses restore event (e.g., retrieved setting from memory upon restoration command; Fig. 4, steps 490-492) (see paragraph 0041, 0058).

Kearns discloses power-up of a device (e.g., using remote control button 24 to turn on TV) (see col. 4, lines 35-40; Fig. 2).

As to claim 13, Humpleman discloses the system of claim 1, wherein said second audiovisual device is a television set (e.g., DTV 102; Fig. 1) (see col. 6, lines 54-60).

As to claim 14, Kamieniecki discloses the second audiovisual device is a set-top box (see paragraph 0035; Fig. 3).

As to claim 15, Humpleman discloses the system of claim 1, wherein said first audiovisual device is one of a digital video recorder and a digital video player (e.g., DVCR 110; Fig. 1) (see col. 6, lines 54-60).

As to claim 16, Humpleman discloses the system of claim 1, wherein said first audiovisual device and said second audiovisual device are communicatively coupled by an IEEE 1394 pathway (e.g., 1394 serial bus 114) (see col. 6, lines 42-47).

As to claim 17, Humpleman discloses the system of claim 1, wherein said setting includes a selected input channel associated with said first audiovisual device (e.g., DVCR select input source to record programs) (see col. 21, lines 42-46).

As to claims 19-20, they contain the limitations of claims 13-14 and are analyzed as previously discussed with respect to claims 13-14 above.

As to claims 21-23, they contain the limitations of claims 3-5 and are analyzed as previously discussed with respect to claims 3-5 above.

As to claims 24-25, they contain the limitations of claims 10-11 and are analyzed as previously discussed with respect to claims 10-11 above.

As to claim 26, Kamieniecki discloses the audiovisual host device of claim 18, further comprising a remote control (RC) interface (e.g., IR receiver 262; Fig. 2) communicatively coupled to said processor (e.g., bus 247), wherein said RC interface is configured to receive a signal representative of said save event or said restore event from a remote control device (see paragraph 0041, 0059).

As to claims 29, 43 and 59, they contain the limitations of claim 12 and is analyzed as previously discussed with respect to claim 12 above.

As to claim 30, Kamieniecki discloses the audiovisual host device of claim 18, further comprising a control communicatively (e.g., IR receiver 262; Fig. 2) coupled to said processor, wherein at least one of said save event and said restore event includes an actuation of said control (see paragraph 0059).

As to claim 31, Humpleman discloses the audiovisual host device of claim 18, further comprising a programming interface (e.g., 1394 serial bus 114) configured to receive an audiovisual programming signal from a source (see col. 6, lines 42-47).

As to claims 37-38 and 53-54, they contain the limitations of claim 1 and are analyzed as previously discussed with respect to claim 1 above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukuda et al. (Pub # US 2005/0172332 A1) is cited to teach remote control home network devices.

Zigmond et al. (Pub # US 2005/0035846 A1) is cited to teach programmable remote control for home devices.

Shinyagaito et al. (Patent # US RE 37000) is cited to teach remotely controlling devices in home network.

Krzyzanowski et al. (Patent # US 6792323) is cited to teach controlling devices in home network.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Nivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623